(Continued from p. 436.)

them the case may seem to require, the certificate of the surveyor, and appointing by whom and in what proportions the expenses of the surveys and of the reports thereon are to be paid, and such award shall be final and conclusive; and with regard to any works by such award authorized, so far as relates to the proceedings of the building owner, that if upon the making of the award the periods of the notices by this Act prescribed with regard to works of that nature have elapsed, then immediately upon the making of the award, but if such periods have not elapsed, then as soon after the making of the award as such periods shall have elapsed, it shall be lawful for the building owner, his agents, servants, and workmen, to proceed to execute the works.

Reparation and Rebuilding at joint expense.

25. And be it enacted, with regard to any party-wall, party-arch, or external wall used wholly or in part as a party fence-wall, so far as relates to the reparation and rebuilding thereof at the joint expense of the owners of the buildings parted thereby, that if such party structure be so defective or so far out of repair as to render it necessary to pull down and rebuild the same, or any part thereof, then on notice being given by the owner of one of the buildings to the adjoining owner, according to the form (No. 8.) in the Schedule of Notices, or to the like effect, it shall be lawful for the building owner to require a survey, certificate, and award, authorizing the execution of such reparation or rebuilding, according to the provisions hereinbefore contained in that behalf.

Rebuilding of Party-walls.

26. And be it enacted, with regard to sound party-walls, so far as relates to the rebuilding thereof at the expense of the building owner, that if the owner of one of the buildings desire to rebuild such party-wall, then, on giving to the adjoining owner the required notice of three months according to the form (No. 14.) in the Schedule of Notices, or to the like effect, it shall be lawful for such building owner and he is hereby entitled to pull down and rebuild such party-wall, but upon condition that he do reinstate and make good all the internal finishings and decorations of the adjoining premises, and pay all the costs and charges thereof, and also all the expenses incidental to the execution of the work, including therein the fees and expenses of the survey, and the fees of the surveyors, and any fees in respect of any services performed by the official referees, and also such reasonable compensation as to the said official referees may seem proper for any loss which the adjoining owner shall have incurred by reason of such work.

Rebuilding a Party-wall — Building of an external Wall against a Party-wall.

27. And be it enacted, with regard to any party-wall, so far as the rebuilding thereof, that if the owner of one of the buildings parted by such party-wall rebuild such building of a higher rate, and do not pull down such party-wall and build a proper wall in lieu thereof, then it shall be his duty and he is hereby required to build up an external wall against such party-wall.

Damage arising from erection of external Wall against a Party-wall.—Cutting into Footings and Chimneys.

28. And be it enacted, with regard to an external wall built against a party-wall, so far as relates to the operations incident thereto, and to the making good any damage occasioned thereby, that if it be necessary to excavate or dig out the ground against the wall of any adjoining building for the purpose of erecting a wall thereon, or for any other purpose, then it shall be lawful for the building owner and he is hereby entitled so to do, but upon condition that the said building owner do at his own costs shore up and underpin such wall, or such part thereof, to its full thickness and to the full depth of such excavation, with good sound stock bricks and tiles or slates bedded in cement, or with other proper and sufficient materials, such underpinning to be done in a workmanlike and substantial manner; and that if for the purpose of erecting such external wall it be necessary to cut away part of the footings of such party-wall on the side next to the wall so to be built, and any part of the chimney breasts and chimney shafts belonging to the building about to be rebuilt as shall project beyond the perpendicular face of such party-wall in the lowest floor thereof, then, on giving notice of such intention in writing to the owner of the adjoining building at least one month before commencing operations, according to the form (No. 15.) in the Schedule of Notices, or to the like effect, and on the expiration of such notice, it shall be lawful for the building owner and he is hereby authorized to cut away such portions of the footings, breasts, and chimney-shafts aforesaid, but so that the same be done, and the brick-work where cut be again made good in cement, under the superintendence and to the satisfaction of the surveyor.

Making good such Damage—Survey—Damage from Carelessness—Rebuilding.

29. Provided always, and be it enacted, with regard to such party-wall, so far as relates to the making good of any such damage, that if it be so damaged and injured by such cutting away as in the opinion of the adjoining owner or occupier to be ruinous or dangerous, then upon application for that purpose it shall be the duty of the surveyor and he is hereby required to survey such wall; and if upon the survey thereof it be found ruinous or dangerous then to condemn it; and that thereupon it shall be the duty of the building owner to pull down and rebuild such party-wall; and that if in the opinion of the surveyor or of the official referees such damage or injury shall have been occasioned by want of due care on the part of the building owner, then it shall be the duty of such building owner and he is hereby required to pull down and rebuild such party-wall, and that at his own costs and charges, including therein all the costs and expenses incident to such survey, and the pulling down and rebuilding of such party-wall, and the reinstating and making good all the internal finishings and decorations damaged thereby; and that if the owner of the building to be rebuilt do not proceed with all due despatch to pull down and rebuild such party-wall, and to reinstate and make good all the internal finishings and decorations of the adjoining premises, and to pay the costs and charges and expenses of the survey, then it shall be lawful for the adjoining owner so to do, and he is hereby entitled to recover all the costs and expenses in respect thereof from such owner, his heirs, executors, administrators, or assigns.

Rebuilding of sound Party-walls—Reference to Official Referees.

30. And be it enacted, with regard to any sound party-wall against which an external wall shall have been built, and which shall have been suffered to remain, so far as relates to the rebuilding thereof, that if, while such party-wall continues sound, the adjoining building be pulled down or rebuilt, and such party-wall be pulled down, then the owner of such adjoining building shall not be entitled to more than his just proportion of the materials thereof, nor, to more than his just proportion of the ground on which such party-wall was built, nor shall he build on more than his just proportion of the said ground, unless he shall have agreed with and satisfied the owner of the building so previously rebuilt for his half thereof; and that if the said owners cannot agree concerning the division of such materials, or of such ground, or of the building thereon, or concerning the reimbursement of the party first rebuilding as aforesaid, then the price and all matters in difference, including the sale and purchase of the ground in question, shall be settled by a reference to the official referees, whose award shall be final.

Raising of future Buildings—Existing Buildings—Chimneys of adjoining Buildings—Use of raised Buildings.

31. And be it enacted, with regard to every building hereafter built, so far as relates to the raising thereof, that it shall be lawful to raise any building, but so that nevertheless the party and external walls and chimneys thereof, when so raised, be of the materials and of the several heights and thicknesses hereinbefore described for party and external walls and chimneys of the rate such building shall be of when so raised; and with regard to buildings already built, so far as relates to the raising thereof, that although the walls of such buildings be not of the thicknesses prescribed by this Act, if, in the opinion of the surveyor, such walls be sufficiently secure to allow of the raising thereof, then it shall be lawful to raise any such building already built to an additional height not exceeding ten feet; and with regard to any building adjoining one which shall be raised, so far as relates to the raising of the chimneys thereof, that if any building be raised it shall be the duty of the owner of such building, and he is hereby required to build up, at his own expense, the party-walls between his own and any adjoining building, and all flues and chimney-stacks belonging thereto; and with regard to any building raised, so far as relates to the use thereof by the adjoining owner, that if at any time the owner of any such adjoining building make use of any portion of the part raised of such party-wall by building against it, or otherwise, it shall be lawful for the owner of the premises so first raised to claim, and he is hereby entitled to recover, the cost of a proportionate part of the portion which shall be so used, together with the cost of such parts of the chimney-stacks as belong thereto.

Repairing and Rebuilding of Party Fence-walls—Deficient Party Fence-wall—Reimbursement of Expense of Operations—Limitation of Height of Screen Walls.

32. And be it enacted, with regard to party fence-walls, by which term is to be understood any boundary wall parting the grounds belonging to different owners or occupied by different persons, so far as relates to the reparation and rebuilding and raising thereof, that if the owner of any of the premises parted thereby give one month's notice of his intention to the adjoining owner to repair, pull down, and rebuild the same, it shall be lawful for him so to do; and if the wall be below the height of nine feet from the ground on either side, then either to raise it to that height, or to pull it down and to rebuild it to that height, but upon condition that he do pay all the expenses thereof; and that if a building be to be erected against such party fence-wall, and such wall be not conformable to the requisites prescribed for a proper party-wall for a building of that class and rate, then it shall be lawful for the building owner and he is hereby entitled to pull down such party fence-wall, but upon condition that he do pay all the expenses thereof, and also that he do make good every damage which shall accrue to such adjoining premises by such rebuilding: provided always, with regard to the expense of so pulling down such party fence-wall and rebuilding the same, that if thereafter the adjoining owner use such party fence-wall for any purpose to which, if it had not been pulled down and rebuilt, it would not have been applicable, then to such extent as such adjoining owner shall so use such wall the building owner shall be entitled to be reimbursed the expenses of so pulling down and rebuilding such wall: provided also, with regard to any such party fence-wall, so far as relates to the limitation of the height thereof, that if any party desire to raise such wall so as to screen from view any offensive object or neighbourhood, then on application to the official referees it shall be lawful for them to authorize such work, but not so as to obstruct the free circulation of the air, or to injure the property adjoining to or in the neighbourhood of such wall.

Pulling down Party Timber Partitions.

33. And be it enacted, with regard to the party timber partitions of existing buildings belonging to different owners, so far as relates to the pulling down thereof, and any wall under or over the same, that if one of the buildings be rebuilt, or if one of the fronts of any such building be taken down to the height of one story, or for a space equal to one-fourth of such front from the level of the second floor upwards, then without the consent of the adjoining owner, but upon giving the requisite notice, according to the forms (Nos. 11, 12, 13) in the Schedule of Notices, or to the like effect, it shall be the duty of the building owner and he is hereby required to pull down such timber partitions, and the walls under or over the same, and in lieu thereof to build a proper party-wall, and that at the expense of the owners of all the premises parted thereby.

Pulling down intermixed Buildings.

34. And be it enacted, with regard to buildings built over public ways, or having rooms or stories, the property of different persons lying intermixed (except Inns of Court hereinafter provided for), so far as relates to the pulling down and laying the parts thereof to each other, that if a party-wall or party-arch cannot be built without pulling down such buildings, and so laying parts thereof to each other, and if in default of the consent of all proper parties the official referees authorize such works, then it shall be lawful for the owner of either of the said buildings to execute the same, but so that the party-walls or party-arches be conformable to the provisions of this Act, and the directions of the said official referees in their award made in that behalf.

Inns of Court, Chambers, &c.

35. And be it enacted, with regard to the rooms or chambers in the Inns of Court (that is to say), in *Serjeants' Inn, Chancery-lane*, or in any of the four Inns of Court, or in any of the Inns of Chancery, or any other inns set apart for the study or practice of the law, and with regard to other buildings divided into rooms or chambers, offices, or counting-houses, let out or to be let in separate suites or sets, so far as relates to the building of party-walls, that the walls or divisions between the several rooms and chambers in such inns, or such buildings, belonging to and communicating with each separate and distinct staircase, shall be deemed to be party-walls within the meaning of this Act, and as such must be built in conformity with the regulations and clauses herein contained relating to party-walls.

Power of Entry on Premises to effect Works—Opening Doors and Removal of Goods, &c.—Continuance of Entry—Penalty for Hindrance.

36. And for the purpose of facilitating and regulating the execution of any works authorized by this Act, or by any award in pursuance thereof, in respect of any party-wall or party-arch parting the buildings or grounds belonging to different owners, or in the occupation of different persons, or in respect of intermixed buildings, be it enacted, with regard to any such works, so far as relates to the power to enter the adjoining premises in order to execute the same, that if such work have been duly authorized, either by the consent of the parties competent to give such consent, or by the award or certificate of the official referees, then, at any time between the hours of six in the morning and seven in the afternoon (*Sundays* excepted), it shall be lawful for the building owner, or any other person acting in his behalf, accompanied by a constable or other officer of the peace, and they are hereby respectively empowered, to enter on the premises of the adjoining owner, so far as may be necessary for executing such work; and that if the outer door of such building be shut, and being thereunto required the person therein refuse to open the same, or if such building be empty and unoccupied, then it shall be lawful to break open such outer door; and if any fixtures, goods, furniture, or other thing obstruct the building of such intended party-wall or party-arch, or the pulling down any wall, partition, or other thing necessary to be pulled down and removed in order to the building such intended party-wall or party-arch, then to remove such fixtures, goods, furniture, and things to some other part of the same premises, or if there be no room on the premises sufficient for that purpose, to remove them to some other place of safe custody: and that from and after such entry, and at all usual times of working, it shall be lawful for the builder employed to erect such intended party-wall or party-arch, and for his servants and all others employed by him, to enter into and upon the premises, and abide therein the usual times of working, as well for the shoring up of the said building so broken into and entered upon, and for taking down and removing any party-wall, partition, wainscot, or other thing necessary to be taken down and removed for the purpose aforesaid, as to build such intended party-wall or party-arch; and that if in any manner any such owner or other person hinder or obstruct any workman employed for any of the purposes aforesaid, or wilfully damage or injure the said works, then every such person so offending shall forfeit for every such offence a sum not exceeding ten pounds.

Stopping of Openings in external Walls abutting on other Premises—Stoppage thereof—Costs of Stopping up—Certificate of Official Referees—Recovery of Costs.

37. And now, for the purpose of further protecting the interests of adjoining owners, be it enacted, with regard to external walls adjoining the ground or

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